DEPARTMENT OF SOCIAL SERVICES

DAY CARE FACILITIES STANDARDS

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INTRODUCTION:

These Day Care standards and criteria have been developed in statutory response to the authority vested in the Minister of Social Services, Province of New Brunswick, for the administration of the Day Care Services Program under the Family Services Act and the Day Care Regulation.

The Minister has been provided with the authority under the Family Services Act, to:

(a) prescribe criteria for the admission to and discharge from a day care facility;
(b) prescribe program and physical standards for a day care facility;
(c) establish and operate a day care facility;
(d) provide resources to assist in the establishment or operation, or both, of a day care facility within the Province;
(e) determine the need for day care facilities.

The Minister has also been provided with the authority under the Day Care Regulation to:

(a) determine the qualifications of staff in a day care facility;
(b) develop standards and criteria respecting the operation and establishment of a day care facility; and,
(c) develop standards and criteria respecting the maintenance of financial records of a day care facility.

DEFINITIONS

AUTHORIZED EMPLOYEE

"authorized employee" means an employee of the Department of Social Services who has been authorized by the Minister to act on his behalf.

DEPARTMENT

"department" means the Department of Social Services.

GRANT

"grant" means those funds provided to those Day Care facilities meeting the criteria set out by the Minister, to enhance the delivery of Day Care Services.

PARENT

"parent" means a father or mother and includes: a guardian, or a person who treats the child as a child of his or her family.

PROGRAM

"program" means the activities and events which take place during the hours of operation in a day care facility which are planned in response to a child's developmental needs.

STAFF

"staff" means all persons employed in a Day Care facility and includes volunteer persons who meet the criteria set out in Section 23 of the regulation.

SUBSIDY

"subsidy" means those monies paid to the Day Care Facility or to the parent of the child on behalf of the child attending the facility and whose parents have qualified for a subsidy according to the Minister's criteria.

PRINCIPLES FOR OPERATORS OF DAY CARE FACILITIES

The following are the principles set out by the Department of Social Services and those underlying the operation of the Province's Day Care Program. These are also the basis for the evaluative process in determining the service orientation in Day Care Facilities.

All Day Care Facility operators shall be responsible to develop and maintain a facility in accordance with the following:

CHILD DEVELOPMENT PROGRAM

Day Care Facility programs shall provide a positive stimulating atmosphere and structure that is conducive to the total development of the child. To meet this challenge, the program must respond to the child's need for:

a) physical and emotional development and security,
b) social and cognitive development,
c) creative and challenging environment,
d) good health care and nutrition, and
e) individual recognition.

FAMILY SUPPORT SERVICES

Day Care Facility programs should seek to provide strengthening and support services to families requiring day care services for their children. The program should encourage parent participation and support

COMMUNITY SERVICE

Day Care Facilities are to be developed as a community service, with community support, and in response to community needs.

ACCOUNTABILITY

All Day Care operators shall be accountable for the effectiveness, efficiency, and appropriateness of services being provided to children. These facilities are responsible to provide and maintain quality day care services to children and shall have the capacity of responding effectively to the parents of the children and those community and service groups providing complementary services to these children.

SAFE & HEALTHY ENVIRONMENT

Day Care Facilities shall provide an environment that is both safe and healthy for the care of a child.

CONFIDENTIALITY

Day Care Facility staff shall treat all information acquired in the delivery of day care services in a confidential manner.

PART A — DAY CARE CENTERS

1. ADMINISTRATION & MANAGEMENT

1.1 Board of Directors

(a) Every non-profit day care center shall be incorporated and have a Board of Directors consisting of at least five members elected at an annual public meeting of which no less than two of the members shall be parents of children enrolled in the day care center.

(b) The Board of Directors shall meet at least twice a year.

1.2 Parental Involvement

(a) All day care centers shall organize at least one yearly information meeting for the parents of the children attending the center to discuss the center's programs, policies and procedures.

(b) Centers should encourage parent participation and involvement which will foster better understanding of each others needs and how to best service the child.

1.3 Administration

(a) All day care centers who advertise for child registration prior to being granted an approval by the Minister, shall indicate in their advertisement that they have applied for an approval.

(b) All day care centers shall appoint an administrator to oversee and supervise the day-to-day activities involved in the operation of a day care center.

(c) In the case of a day care center which is operated and serviced solely by the operator, the operator shall provide the Department with the name of an alternative person who is available as a replacement or to replace the operator in case of an emergency. This person shall be informed of all Departmental standards, criteria and regulations pertaining to day care.

1.4 "Centers" Name

No day care center shall adopt the name of an existing child services facility operating within the province.

1.5 Policies

In addition to the Day Care regulation, the standards and criteria set out by the Minister,

(a) the operator of a day care center shall ensure that written internal procedures are developed regarding:

(i) written statement of the program including program philosophy, goals and objectives;
(ii) means of involving the parents in the program and informing them of existing policies and programs;
(iii) enrollment procedures (admission and discharge specifications);
(iv) fee payment plans and billing procedures;
(v) personal belongings brought into the facility;
(vi) activities off the premises of the center arranged or organized by the center;
(vii) behaviour management;
(viii) personnel practices (including child abuse and child neglect referral procedure) as described in section 10;
(ix) evacuation procedures in the event of an emergency;
(x) transportation; and
(xi) community liaison,

(b) those Day Care centers wishing information and/or consultation services in the development of those written procedures referred to in part A may so request them from the Department, and

(c) these internal procedures will be made available to the Department's authorized employee and all employees and volunteers providing services in the Day Care Center.

1.6 The operator and administrator shall ensure that any parent of a child attending the day care center has access to the Director of the Center or the Board of Directors in the case of a non-profit day care center for grievances and complaints not resolved satisfactorily within the facility's administrative structure.

1.7 Approval Process for Day Care Centers

(a) Every person operating or wishing to operate a day care center shall be required to complete an application form (form # 1) as provided by the Department of Social Services. The completed form is to be returned to the Department's Regional Day Care Services who will be responsible to assess the information, verify personal references and evaluate the need for a day care center.

(b) Every operator wishing to operate a new day care center shall include, with his application, a letter from municipal officals stating that the location of the proposed day care center is in accordance with municipal by-laws.

(c) The Department's authorized personnel will do a physical inspection of the facility.

(d) The Department shall require the Fire Marshal's approval and that of the District Medical Health Officer prior to granting an approval to any day care center.

(e) Following receipt of the application and prior to the granting of an approval, the facility will be visited by a designated person to ensure consultation and compliance with the Department's Day Care Regulation and Standards.

Once a facility has met all the above-noted requirements and those established in the Day Care Regulation, and Part A of this document, the operator shall be forwarded a Certificate of Approval.

(f) The Certificate of Approval is to be displayed at all times in a conspicuous place in the center.

(g) The Certificate of Approval shall be in the form approved by the Department and shall contain the following information:

(i) the date of its expiry;
(ii) the name of the center and the address where the center is located;
(iii) the name of the operator of the center;
(iv) the maximum number of children permitted to be in attendance at the center;
(v) whether the center is incorporated as a non-profit center or as otherwise identified;
(vi) such other items as the Department deems necessary,

and shall be validated for the designated facility only.

1.8 Appeal Procedure

The operator of a day care center whose approval has been refused may apply in writing to have the decision reviewed by the Minister within sixty days (60) days of receipt of written notice.

1.9 Record Keeping

(a) The operator of a day care center shall ensure that a personal file, containing the following information, is maintained on behalf of each child attending the center:

(i) admission form referred to in Section 2.2;
(ii) date of admission to the center;
(iii) child's medical certificate (at time of admission), along with the child's medical information form completed by the child's parent or guardian;
(iv) a consent form authorizing the center to administer specified medication, if applicable;
(v) authorization by parents to seek emergency medical attention as required on behalf of the child;

(vi) transportation authorization by parents to include children in activities arranged by the center but off the premises of the center and for emergency situations;
(vii) observational record and child progress record for children with special needs;
(viii) feeding instructions for infants; and
(ix) date of discharge.

(b) The personal file on each child shall be treated as confidential information and subject to the requirements of section 1.10.

(c) Day care centers shall obtain written permission from the parent of the child before any research projects, pertaining to the child, are undertaken within the facility.

(d) All day care centers requesting grants from the Department, other than the basic day care subsidy rate, shall maintain financial records which will provide proof of the dispensing of monies by means of official receipts. Those operators operating more than one center shall pro-rate common expenditures for each day care center's budget submission.

Where the criterion of need is to be a factor in the admission of a grant, a financial statement as determined by the Minister, based on the day care center's fiscal year showing a monthly statement of income and expenditures shall be made available upon request.

(e) The operator of a day care center shall ensure that a personnel file for each staff member is maintained and contains the following information:

(i) personal information - full name, birth date and permanent address;
(ii) work assignment/job description;
(iii) significant medical and/or health information;
(iv) records of time off for sick leave, vacation, leave without pay, regular hours worked and overtime; and,
(v) starting and termination date.

(f) The administrator of the day care center shall ensure that records are maintained containing the following information and made available to the Department's designated personnel upon request:

(i) the daily program plan;
(ii) daily attendance record for children, staff time worked (including volunteers);
(iii) the time, amount and child to whom medication is administered;
(iv) accidents (circumstances, time);
(v) daily menu;
(vi) fire drills; and
(vii) date of inspections of fire alarms and smoke alarms system.

1.10 Confidentiality

Except to the Department's designated employee, no personal identifying information pertaining to an employee, a child attending the center, or his family, shall be released without the written consent of the person, or in the case of a child, the written consent of the child's parent or guardian.

Non payment of day care fees is not considered "personal identifying" information as it relates to a breach of a business arrangement between the center and the child's family. On the request of a day care administrator, the administrator of a day care center in which the child was formerly registered, may provide information in relation to the payment patterns of a child's family.

1.11 Insurance

All centers should have an insurance policy covering the following risks:

(a) liability insurance arising from accident mishap or other incident on the premises for children, parents and/or staff; and,
(b) liability to children who are passengers in any vehicles used by the centre; AND

all centers should have an insurance policy with a minimum insurance coverage equivalent to the property and content evaluation for loss, damage or destruction of the facility by theft, vandalism or fire.

1.12 Renewal of Approval

Sixty days (60) prior to the expiry of an approval, the operator shall complete a renewal form which is available through the Department, if the center wishes to continue operation. The completed form is to be forwarded to the Department's Regional Day Care Services.

1.13 Termination

(a) The operator of a day care center who intends to discontinue the provision of day care services should provide a sixty (60) day written notice to the Department's Regional Day Care Services and the parents of the child attending the facility; the notice shall, however, be forwarded not less than thirty (30) days prior to the closure of the facility.

(b) Facilities which temporarily suspend or discontinue day care services for more than thirty (30) days, must advise the Department's Regional Day Care Services in writing by registered mail.

(c) The operator of a day care centre who intends to sell or dispose of the day care centre shall advise the Department's Regional Day Care Services in writing thirty (30) days prior to any transaction. The sale or transfer shall mean the re-approval of the facility and the approval of the new operator.

Health and Fire Marshal inspections shall only be required for those facilities with physical changes since the last inspection or those whose inspection is beyond the previous approval date.

1.14 Shared Accommodation

When more than one centre is in a shared accommodation, this does not waive the responsibility of meeting the requirements set out for separately located centres, in the regulation, standards and criteria.

1.15 Funding

(a) (i) The Department of Social Services shall provide funding, on behalf of those children attending an approved facility, whose parents have demonstrated sufficient social need or who have qualified according to the day care contribution schedule up to the maximum daily rate as approved by the Minister.

(ii) The monthly billing submitted to the Minister shall be on the Department's prescribed form and completed according to directions.

(iii) The Department of Social Services may pay up to twenty-two (22) days per year absenteeism for a child to which a subsidy is provided to guarantee a child's place at the centre.

(iv) The twenty-two (22) day allowance per year is not cumulative and may not be transferred from one fiscal year to the next.

(v) When special circumstances exist which warrants the child's temporary absenteeism, the Department may grant approval in writing for an additional time limit to guarantee a place for the child.

(vi) Days of absenteeism of children shall be registered as such on the billing form.

(b) The Department may provide grants to those day care facilities when these facilities meet the criteria set out by the Minister when establishing a grant.

(c) Those facilities which are under the umbrella or auspices of a broader non-profit association and that receive grants from the Department of Social Services shall ensure that these monies are spent for the delivery of day care services.

2. ADMISSION AND DISCHARGE TO THE CENTER

2.1 Admission and Discharge

(a) Every parent wanting his/her child to attend a day care center shall be required to complete an application form provided by the Day Care Center and shall, prior to enrollment or admission or within two weeks of admission, provide the center with a physician's medical form (# 2) as evidence that the child has undergone a medical examination by a qualified physician.

(b) The medical certificate referred to in section (a) may be validated for the re-admission of a child during the same one-year period.

(c) No child identified as suffering from a communicable disease, as established by the Minister of Health, shall be admitted to a center.

2.2 The admission form shall contain the following information:

(a) child's full name and address;
(b) child's birthdate;
(c) child's medicare number;
(d) name and address of family physician;
(e) full name, address, and telephone number of parent (home and business);
(f) full names, addresses and telephone numbers of at least two persons who have the parent's authorization to remove the child from the center or who may be contacted in case of emergency when the parent cannot be reached; and
(g) date child visited with parents;
(h) signature of parents; and
(i) any other information deemed necessary.

2.3 Every operator or administrator of a center shall post the following information in a conspicuous place of the center to inform the parents of:

(a) daily menu including any food substitutes;
(b) program activities; and
(c) name of administrator's replacement in the absence of the administrator.

2.4 Where possible and prior to the admission of a child to the center, every administrator shall ensure that the child has had a prior visit to the center with a parent.

2.5 The administrator of a Day Care center shall ensure that the parent of a child attending a facility provide the center with:

(a) an authorization for emergency medical service on behalf of the child except where there is an arrangement between the parent and the operator;

(b) an authorization that the child may be taken off premises for programmed activities;

(c) an authorization that the child may be provided transportation; and,

(d) written instruction pertaining to formulas, feeding schedules or feeding habits for a child under one year of age.

(e) a physician's medical form #2 as described in 2.1 (a).

2.6 Every operator shall ensure that the number of children in attendance in a day care center is at no time greater than the number of children stated on the certificate of approval.

2.7 Every operator of a day care center servicing children with special needs shall register the names of these children on Form (# 3) and forward this to the Department's Regional Day Care Services within ten (10) days of the child's admission to the center.

3. PHYSICAL FACILITY

3.1 In every center usable floor space, exclusive of offices, staff room, stairways, fixed storage, hallways, washrooms, lockers, kitchen facilities, shower rooms and isolation rooms, shall consist of a minimum of three and one-quarter square meters per child.

3.2 A basement room or area may be included in the calculation of usable floor space where the floor is not more than 4 feet (1.219 meters) below ground level, providing the facility provides appropriate exits, humidity level, and meet those requirements set out by the Fire Marshal and Health Inspector.

3.3 All rooms occupied by children shall be located on the first floor level (main floor level) or second floor level or below ground level providing this level meets the requirements as set out in 3.2.

3.4 Every floor level shall have access to two remote and separate means of exit, one of which shall be an enclosed interior or an exterior stairwell in the case of an exit not on the level of discharge and a second means of exit as approved by the Fire Marshal.

3.5 Laundry facilities, where such services are offered in a center, shall be in an enclosed area separate from kitchen and dining facilities unless otherwise approved by the Health Inspector.

3.6 A garbage storage area shall be maintained in an enclosed area separate from kitchen, dining and laundry facilities.

3.7 All day care centers shall have a refrigerator and stove for proper food preparation and storage.

3.8 (a) A quiet designated area shall be provided for each child to sleep or rest during sleep or rest periods.

(b) The area referred to in subsection (a) shall consist of a minimum space of sixty-one (61) cm on all sides between sleeping equipment, except where they are in contact with a wall, to allow proper traffic circulation in those centers where children do not sleep beyond two consecutive hours.

(c) The area referred to in subsection (a) shall be altered for those facilities providing services between 8 p.m. and 6 a.m. or where children sleep beyond two consecutive hours, and meet the Fire Marshal's and Departmental approval.

3.9 (a) Infants using carriages or playpens for rest periods shall be provided with a supervised area separate from other children to ensure quiet rest arrangements.

(b) All infants under the age of 15 months attending a center shall be provided a crib, as described in section 4.2, for sleep periods which shall be located in a supervised area separate from other children to ensure quiet sleep.

3.10 Where infants are attending a center, a diapering surface or change table shall be provided separate from kitchen and dining facilities but adjacent to hand-washing facilities.

3.11 (a) Wash basins and water closets shall be provided preferably on every floor level occupied by children over the age of two and be available in the following ratio:

1 toilet	1 wash basin	- (1 - 9 children)
2 toilets	2 wash basins	- (10 - 24 children)
3 toilets	3 wash basins	- (25 - 49 children)
4 toilets	4 wash basins	- (50 - 75 children)

(b) The location of the wash basin and toilets referred to in subsection (a) may be exempted for those facilities licensed prior to June 30, 1983.

(c) Provision shall be made to allow children to make use of water closets and wash basins safely and independently.

(d) As required by child's age, nursery seats or training chairs in the ratio of 1 for every 3 children shall be provided for the use of children in the centre where child-size toilets are not available.

(e) Steps or platforms shall be provided for the use of children in the centre where child-size wash basins and toilets are not available.

3.12 Provision shall be made to allow for the separation of a child when required for health reasons as specified in section 6.4.

3.13 Storage space shall be provided for the personal belongings of each child.

3.14 Food storage space shall be made available and refrigeration space available for perishable foods.

3.15 Kitchen appliances shall not be in the children's circulation area nor accessible to children.

3.16 Storage space inaccessible to children and with child proof safety devices shall be provided for flammable, combustible liquids and poisonous substances.

3.17 All chemical and potentially dangerous products and cleaning supplies shall be stored in original, labelled containers.

3.18 Adequate storage space shall be provided for the storing of play equipment and material.

** 3.19 A Day Care Center shall arrange its equipment for the use of children in a manner which facilitates small group interaction in a well defined area free from interference and interruption and include space for regular play activities for a maximum of two groups of children as specified in Schedule B of the Day Care Regulation.

3.20 (a) Outdoor space shall be safe and secure for the use of children.

(b) The outdoor play space provided for children under the age of six, if adjacent to the facility, shall be:

(i) contained on all sides by a fence of not less than one (1) meter in height, any gates to be equipped with bolts and latches; and

(ii) well-drained, free from depressions in which water may stand and shall be surfaced where necessary.

3.21 Stairs, walkways, ramps and porches shall be maintained free from accumulations of water, ice or snow.

3.22 Parking area and driveway shall be maintained free from accumulations of snow and ice.

3.23 Facilities providing services to children with special needs shall be required to meet any additional physical criteria according to the child's needs as determined by the Minister.

** An additional section addressing group size interaction (family grouping) will be developed in consultation with involved parties, based on experience and research in this area.

4. PROGRAM MATERIAL

4.1 Furniture, program material and play equipment provided in a centre shall be sufficient in number to accommodate each child in attendance and be:

(a) of a size and construction which can be easily and safely used by children according to the child's age and special needs,

(b) of a clean and durable surface,

(c) if painted, shall be surfaced with a lead-free, non-toxic paint; and,

(d) maintained in good repair.

4.2 Every child 15 months and over and five (5) years of age and under shall be provided with sleeping equipment in accordance with the Fire Marshal and Health Inspector's criteria and as approved by the Health and Fire Marshal's office for sleeping or rest periods. Every infant under the age of fifteen months shall be provided with a crib for sleeping periods.

4.3 a) Every infant shall be provided either a crib or playpen for rest periods.

b) Notwithstanding subsection (b), infants under the age of 6 months may be provided a carriage for it's rest period.

4.4 Cribs, carriages or playpens provided for under section 4.2 and 4.3 shall meet the requirements of the Hazardous Products Act, Chapter H-3 of the Revised Statutes of Canada, 1970 and any regulation thereunder.

4.5 Cribs or playpens provided shall:

(a) be equipped with toys appropriate to the age of the child;

(b) not be so enclosed so as to limit the field of vision of the child.

4.6 All toys and equipment available at a center shall:

(a) conform with the requirements of the Hazardous Products Act, Chapter H-3 of the Revised Statutes of Canada, 1970 and any regulations thereunder;

(b) be checked on a daily basis for cleanliness and for any damage; and

(c) be maintained in good repair.

4.7 Toys, play equipment and play material being used for indoor and outdoor activities shall:

(a) offer a variety of play opportunities;

(b) be suitable and safe for the age group and needs of children making use of them;

(c) be appropriate for indoor or outdoor activities;

(d) be stored and displayed where they are easily accessible by children; and,

(e) if painted, shall be surfaced with a lead-free, non-toxic paint.

4.8 All pacifiers and soothers used in a center shall:

(a) conform with the requirements of the Hazardous Products Act, Chapter H-3 of the Revised Statutes of Canada, 1970 and any regulations thereunder;

(b) be identified for the use of a particular child; and

(c) not be used with a neck string.

4.9 Every center shall have a telephone with the telephone number published.

4.10 Wading pools shall be used only where a primary staff member, who has first aid training in water safety, is present and supervises the activity.

5. FIRE AND SAFETY

The following standards and criteria are in partial those requirements set out by the Provincial Fire Marshal and his designate and are subject to additional directions by the Provincial Fire Marshal or his designate.

5.1 Emergency telephone numbers, including those of the fire station, police, physicians, hospital, poison control center, public health nurse and ambulance shall be conspicuously posted adjacent to all telephones in the facility.

5.2 Rules and instructions regarding evacuation in case of fire, as approved by the Provincial Fire Marshal or his designate, shall be posted in a conspicuous place.

5.3 Fire Drills shall be carried out on a monthly basis in a manner approved by the Fire Marshal and shall be recorded in a consistent manner.

5.4 Combustible materials, such as art work and teaching materials, which are attached to walls shall be so attached at all corners and shall not exceed twenty (20) percent of the total wall area of the affected room.

5.5 Waste receptacles shall be constructed of non-combustible materials. Those with U.L.C. (Underwriters Labratories of Canada) approval shall be accepted.

5.6 The heating system including the chimney shall be inspected annually. The furnace and chimney shall be cleaned annually.

5.7 Open fireplaces and floor heaters are not to be used in any area of the centre occupied by children.

5.8 Woodstoves may be used in areas of the centre occupied by children under the age of six providing the woodstove is in an enclosure approved by the Fire Marshal and the stove is inaccessible to the children.

5.9 The operator or administrator shall ensure that in any area occupied by children:

(a) receptacles and electrical outlets are not serviced by extension cords unless the connectors are covered by plastic protectors and that the extension cord is securely attached to the wall

(b) where the children are five (5) years of age or under, special protective receptacle covers are installed in any receptacle or outlet not in use; and,

(c) clear glass panels are clearly marked to avoid accidential impact.

5.10 (a) One (1) operable flashlight shall be provided for each floor level for those facilities with an AC/DC fire alarm system.

(b) For all centers without an AC/DC fire alarm system, one (1) operable flashlight shall be provided for each floor level and at each exit.

6. HEALTH CARE SERVICES

6.1 First aid supplies, as approved by the Medical Health Officer or his designate, shall be stored in an area inaccessible to children.

6.2 No person identified as suffering from a communicable disease, as established by the Minister of Health, shall be admitted to a center.

6.3 The operator or administrator shall ensure that the parent of each child enrolled in the center is informed as soon as reasonably possible, but in any event, within twelve (12) hours, when a communicable disease has been introduced into the center.

6.4 (a) The administrator of a center shall ensure that if a child is developing symptoms of any illness, such child is separated and supervised in the isolation area, apart from other children, and the administrator shall contact the parent to determine if medical attention is required.

(b) Where the parent cannot be contacted in accordance with subsection (a), the administrator shall contact the family physician and if he cannot be contacted the administrator shall then contact another physician.

6.5 First aid shall be administered according to prescribed practices in first aid training.

6.6 Where serious injury, illness or death occurs to a child, the administrator shall immediately:

(a) obtain all necessary emergency assistance;

(b) notify the parent of the child;

(c) record occurrence in child's file; and

(d) complete form (# 4) and forward to the Department's Regional Day Care Services within twenty-four (24) hours of the incident.

6.7 (a) Medication to be administered to a child enrolled in a centre shall be administered by an adult primary staff only. This is to be recorded either on the child's file or on a specific form which is to be initialed by the adult primary staff who administered the medication.

(b) Only medication provided by the parent, together with the parents' written authorization shall be administered to a a child.

6.8 Medication shall be identified on the container with the name of the child, the amount to be administered and the method of administration and shall only be administered to the child for whom it has been intended.

6.9 The administrator or operator shall ensure that any animal in a center is kept free of fleas and disease, and has received proper innoculations.

6.10 The administrator shall ensure that the center is free of insects and rodents.

6.11 No person shall smoke in any room or area of a center occupied by a child.

6.12 No person shall carry hot beverages or liquids in areas where children are engaged in play activities.

6.13 The administrator shall ensure that cleanliness is maintained at an acceptable level at all times.

6.14 In accordance with the facility's policy, every child shall be provided with his own bedding, washing materials and grooming materials which shall:

(a) be identified for the use of a particular child;

(b) be stored individually in accordance with section 3.13; and

(c) be laundered or cleaned weekly, or more frequently if soiled.

6.15 The operator of a day care center providing day care services to infants shall ensure that:

(a) The top of the diapering surface or change table referred to in Section 3.10 shall:

(i) be of impervious material that is easily cleaned and shall be disinfected after each diaper change; and

(ii) be covered with a fresh diapering surface for each child.

(b) Cloth diapers, when soiled, shall be:

(i) rinsed and stored in:

- an impervious and easily cleanable container with a tight-fitting lid; or

- a closed plastic bag; and

(ii) when provided by the center, shall be laundered with soap and disinfectant; or

(iii) when provided by the parent, shall be sent home for laundering, daily.

(c) Disposable diapers, when soiled, shall be disposed of daily in a closed plastic bag.

7. FOOD PREPARATION

7.1 A weekly menu of meals and snacks to be prepared and served in a centre shall be:

(a) prepared by a person or in consultation with a person having knowledge of nutrition and children's eating habits;

(b) prepared in accordance with Canada's Food Guide;

(c) prepared four (4) weeks in advance;

(d) posted for the current week;

(e) retained for four (4) weeks; and

(f) deviations from planned menu shall be registered.

7.2 Each meal prepared and served in a centre shall meet one-third of the daily nutritional requirements provided by Canada's Food Guide and shall be handled in a manner which promotes good hygiene and nutritional habits.

7.3 The menu may be amended or varied by the operator to provide for children with special nutritional requirements.

7.4 (a) Children, other than infants under one year of age, attending a centre for:

(i) three hours or less, shall be served at least one snack;

(ii) more than three hours but for six hours or less, shall be served at least one snack and one meal;

(iii) more than six hours but less than ten hours, shall be served at least two snacks and one meal; and,

(iv) ten hours or more, shall be served at least two meals and two snacks.

(b) Notwithstanding subsection (1), the operator may vary the provision of snacks or meals where a child is in attendance in a facility between 8 p.m. and 6 a.m.

(c) All snacks shall be prepared in accordance with Canada's Food Guide and shall be served with undiluted milk or vitaminized juice.

7.5 No staff shall handle or prepare food to be served in the centre while affected with a skin infection or any infectious or communicable disease.

7.6 (a) Feedings for an infant under one year of age shall be provided in accordance with written instructions provided by the parent and shall meet the nutritional needs of the infant.

(b) Infants referred to in section (a) shall be held during bottle feeding.

(c) Good nutritional habits shall be encouraged during snack and meal times.

7.7 Drinking water shall be freely available to children at all times.

7.8 The operator shall ensure that sufficient support staff are provided in a center to ensure adequate food services in accordance with Section 7, and to maintain a standard of cleanliness acceptable to the Minister.

7.9 Food handling and storage areas shall be in accordance with good food handling practices.

8. PROGRAM DEVELOPMENT

8.1 Every operator of a centre shall ensure that a written daily activity plan is established and appropriately classified and filed.

8.2 (i) The weekly program plan shall be developed in compliance with the principles set out by the Department and include:

(a) group and individual activities;

(b) activities to promote gross and fine motor, cognitive, social, language and emotional development conducive to the child's total development;

(c) challenging activities for each age group which stimulates creativity, promotes independence and social responsibility.

(d) active and quiet play periods;

(e) activities to promote good hygiene;

(f) activities to promote good nutritional habits;

(g) child initiated and adult directed or supervised activities; and

(h) make use of community resources.

(ii) Those facilities servicing infants shall provide a stimulating environment conducive to the childs development, emphasizing individual attention.

** 8.3 The daily program schedule shall ensure that:

(a) children not yet able to walk are separated from older children during play periods;

(b) children under six (6) years of age are separated from older children during play periods; and

(c) every child, in attendance at a center for more than seven (7) hours is provided at least two (2) hours of outdoor activities each day, unless a physician or parent advises otherwise, or unless the weather does not permit outdoor activities.

** This section will be further reviewed following review of section 3.19.

8.4 Those facilities providing services to children with special needs shall be required to make necessary adjustments to their program to meet the specific needs of these children.

8.5 Where there are significant changes being planned in the services offered to the center, the operator shall post such information for the parents and advise the Department's Regional Day Care Services in writing of the proposed changes.

8.6 The operator of a Day Care Center shall welcome the visit of a parent of a child during operating hours and shall encourage the active interest, participation and involvement of parents in the delivery of Day Care Services.

8.7 The operator of a center providing day care services between 8 p.m. and 6 a.m. shall provide program modifications to accommodate the needs of a child during such hours.

9. BEHAVIOUR MANAGEMENT

9.1 Child Management practices shall be in accordance with good child behavior management practices.

9.2 The administrator and operator of a centre shall ensure that:

(a) corporal punishment, including:

(i) the striking of a child, directly or with any object;

(ii) the shaking, shoving, spanking or any other form of agressive conduct; and,

(iii) the requiring or forcing a child to repeat physical movements; or

(b) harsh, humiliating, belittling or degrading treatment of any form including verbal, emotional and physical;

(c) omission of meal or snack;

(d) sending a child to bed;

are not to be used by any staff, or any other person on the premises, as a form of discipline or behaviour management.

9.3 The administrator and operator of a center shall use positive techniques of guidance including reflection with the child on the behaviour incident, redirection, anticipation and elimination of potential problems, and positive reinforcement and encouragement rather than competition, comparison or criticism.

9.4 Rules are to be logical, comprehensive and clearly explained to children and parents, and furthermore, administered in a consistent manner by staff.

9.5 In case of repetitive misbehaviour, the staff and operator should review possible causes such as;

(a) program content (is their a good balance of activities)

(b) arrangement of physical environment (lighting, ventilation, arrangement of furniture).

(c) availability of equipment, material, books and toys (Are they adequate and sufficient in number?),

(d) personality conflict (amongst children or between staff and children).

10. REPORTING CHILD ABUSE AND CHILD NEGLECT CASES

10.1 Every operator and administrator of a day care centre is responsible to advise staff members of the child abuse neglect referral policy set out by the Department of Social Services.

10.2 Every operator and administrator of a day care centre shall be responsible to advise the local Social Services office of any case of suspected child abuse or neglect.

10.3 Every administrator shall maintain a written record of date of referral and related date of incident(s) on and circumstances contributing to the case referral.

10.4 In those situations, in which the administration has not been advised within a week by a social service employee that the referral has been acted upon, the administrator, shall contact the administrator of the local Social Services office and provide the social service admimistrator with the following information:

- the name of the child
- the reason for the referral
- the date and time the referral was made, and
- if known, the name of the employee who received the original referral.

11. COMMUNITY RESOURCES

11.1 The administrator of a day care centre shall maintain liaison with other community services to enhance the program content and services available within the centre's program.

12. STAFF QUALIFICATIONS

12.1 The administrator and all primary staff employed in a center shall have the following minimum qualifications:

(a) the ability to understand the needs of children;

(b) a willingness to participate in training programs and workshops recommended by the Minister;

(c) an awareness of community resources;

(d) an ability to maintain a working relationship with community-based professionals and parents of children attending the centre; and,

(e) training acceptable to the Minister in the administration of first aid.

12.2 All staff, prior to commencing employment or providing volunteer services in a center, shall submit to the operator a certificate indicating that:

(a) a Tuberculosis Test with a negative reaction has been performed; and

(b) in the event of a positive Tuberculosis Test, a chest X-ray has been performed which reveals the absence of disease that is considered to be in an infectious state.

12.3 The operator or administrator of a day care center shall ensure that all staff, prior to commencing employment or providing volunteer services in a center, and annually thereafter, submit to the operator a certificate of a qualified physician stating that the person examined is in good health, is free of any communicable disease and that the physical and mental health of this person is appropriate to the care of children.

12.4 The operator of a center shall ensure that all staff members and volunteers are advised of all written procedures developed by the center as described in 1.5 and Day Care Regulation, standards and criteria as set out by the Department of Social Services.

PART B — COMMUNITY DAY CARE HOMES

1. ADMINISTRATION AND MANAGEMENT

1.1 Application Process

(a) Any person wishing to operate a Community Day Care Home shall be required to complete an application form (# 5) as provided by the Department of Social Services.

The completed application form is to be returned to the Department's Regional Day Care Services who shall be responsible to verify:

(i) the information provided on the application form;
(ii) source of reference for suitability of operator;
(iii) the applicant's medical information; and,
(iv) the need for a Community Day Care Home.

Once it is established that the facility meets all the above noted requirements and those established in the Day Care Regulation, standards and criteria, the operator shall be forwarded a certificate of approval.

(b) The certificate of approval is to be displayed at all times in a conspicuous place.

(c) The certificate of approval shall be in the form approved by the Department and shall contain the following information:

(i) date of expiry;
(ii) name of the Community Day Care Home and address where the facility is located;
(iii) name of the operator;
(iv) the maximum number of children permitted to be in attendance;
(v) such other items the Department deems necessary;

1.2 Appeal Procedure

The operator of a Community Day Care Home whose approval has been refused, may apply to have the decision reviewed by the Minister within sixty (60) days of receipt of written notice.

1.3 Insurance

All Community Day Care Homes should have an insurance policy covering the following risks:

(a) liability insurance arising from accidents, mishaps, or other incidents, which may occur to children participating in the day care program;

(b) liability to children who are passengers in any vehicle used by the centre.;

(c) liability for parents, staff or other persons on the Day Care premises; AND

All Community Day Care Homes should have an insurance policy with a minimum insurance coverage equivalent to the property and content evaluation for loss, damage or destruction of the facility by theft, vandalism or fire.

1.4 Record Keeping

The operator of a Community Day Care Home shall ensure that a personal file containing the following information is maintained on behalf of each child attending the home:

(i) admission form as referred to in Section 2.2;
(ii) date of admission;
(iii) child's medical certificate (at time of admission);
(iv) consent form authorising the operator to administer specified medication (if applicable);
(v) authorization by parent to seek emergency medical attention as required;
(vi) transportation authorization by parents to include children in activities organized off the premises;
(vii) reports of accidents;
(viii) daily attendance records;
(ix) date of discharge.

1.5 Administration

All community day care homes who advertise for child registration prior to being granted an approval by the Minister, shall indicate in their advertisement that they have applied for an approval.

1.6 Community Day Care Home Name

No community day care home shall adopt the name of an existing child services facility operating within the province.

2. ADMISSION TO THE COMMUNITY DAY CARE HOME

2.1 (a) Every parent wanting their child to attend a community day care home shall be required to complete an application form and shall, prior to enrollment or admission of the child or within two weeks of admission:

(i) provide the home with a physician's certificate form (# 2) as evidence the child has undergone a medical examination by a qualified physician, along with the child's medical information form, completed by the child's parent or guardian.

(ii) the medical certificate referred to in section (a) (i) may be validated for the re-admission of a child during the same one year period.

(b) No child identified as suffering from a communicable disease, as established by the Minister of Health, shall be admitted to a Community Day Care Home.

2.2 The admission form shall contain the following information:

(a) child's full name and address,
(b) child's birthdate,
(c) child's medicare number,
(d) name and address of family physician,
(e) full name, address and telephone number of parent (home and business),
(f) full names, addresses and telephone numbers of at least two persons who have the parent's authorization to remove the child from the Community Day Care Home or who may be contacted in case of emergency when the parent cannot be reached, and
(g) date child visited with parent.
(h) signature of parent

2.3 Every operator of a Community Day Care Home shall provide the parents of a child attending the home with the following information:

(a) daily menu,
(b) program activities,
(c) hours of service, and
(d) fees to be charged.

2.4 Where possible, prior to the admission of a child to the Community Day Care Home, every operator shall ensure that the child has had a prior visit to the facility with a parent.

2.5 The parent of a child attending Community Day Care Home shall provide the facility with:

(a) an authorization for emergency medical service on behalf of the child except where there is an arrangement between the parent and the operator;

(b) an authorization that the child may be taken off premises for programmed activities;

(c) an authorization that the child may be provided transportation;

(d) written instruction pertaining to formulas, feeding schedules or feeding habits for an infant under one year of age.

(e) a physician's medical form #2 as described in 2.1 (a).

2.6 Every operator shall ensure that the number of children in attendance in a Community Day Care Home is at no time greater than the number of children stated on the certificate of approval.

3. PHYSICAL FACILITY

3.1 Indoor play space to be used for the provision of day care services shall consist of three and one-quarter square meters for each child, excluding hallways, washrooms and lockers.

3.2 Outdoor play space shall be well maintained and secure for the use of children.

3.3 A designated area shall be provided for each child under the age of five to sleep or rest during sleep or rest periods.

3.4 All rooms or areas occupied by children shall be located in an area that allows for a direct exterior egress.

3.5 Every community day care home shall have access to two (2) separate means of egress.

3.6 Storage spaces inaccessible to children and with child-proof safety devices shall be provided for the storing of flammable, combustible liquids, poisonous substances, first aid supplies and medication.

3.7 All chemical and potentially dangerous products and cleaning supplies shall be stored in original, labelled containers.

3.8 Stairs, walkways, ramps and porches shall be maintained free from accumulation of water, ice and snow.

3.9 Outdoor play space provided for children under the age of six shall be well-drained, free from depressions in which water may stand and shall be surfaced where necessary.

4. PROGRAM MATERIAL

4.1 All toys, furniture and equipment for indoor and outdoor activities shall be of a size and construction which can be easily and safely used by children and of a clean and durable surface and shall:

(a) offer a variety of play opportunities;

(b) be suitable and safe to age groups making use of them;

(c) be maintained in good repair;

(d) if painted, shall be surfaced with a lead-free non-toxic paint; and,

(e) be displayed where they are easily accessible to children.

4.2 All pacifiers and soothers used in a Community Day Care Home shall:

(a) conform with the requirements of the Hazardous Products Act Chapter H-3 of the Revised Statutes of Canada, 1970 and any regulation thereunder and

(b) be identified for the use of a particular child.

(c) not be used with a neck string.

4.3 Every Community Day Care Home shall have a telephone with the telephone number published.

4.4 Wading pools shall be used only where a primary staff member, who has first aid training in water safety, is present and supervises the activity.

5. HEALTH CARE

5.1 No person identified as suffering from a communicable disease established by the Minister of Health, shall be admitted to a Community Day Care Home.

5.2 The operator shall ensure that the parent of each child enrolled at the home is informed as soon as reasonably possible, but in any event, within twelve (12) hours, when a communicable disease has been introduced into the Community Day Care Home.

5.3 (a) The operator shall ensure that if a child is developing symptoms of any illness, such child is separated and supervised in the isolation area, apart from other children and the administrator shall contact the parent to determine if medical attention is required.

(b) Where the parent cannot be contacted in accordance with subsection (a), the operator shall contact the family physician and if he cannot be contacted, the operator shall then contact another physician.

5.4 First aid shall be administered according to prescribed practices in first aid training.

5.5 Where a serious injury, illness or death occurs to a child, the operator shall immediately:

(a) obtain all necessary emergency assistance,
(b) notify the parent of the child,
(c) complete form (# 4) and forward to the Department's Regional Day Care Services within twenty-four (24) hours of the incident.

5.6 Only medication provided by the parent together with the parent's written authorization shall be administered to a child.

5.7 Medication shall be identified on the container with the name of the child, the amount to be administered and the method of administration.

5.8 The operator shall ensure that cleanliness is maintained at an acceptable level at all times.

5.9 The operator shall ensure that the Community Day Care Home is free of insects and rodents.

5.10 The administrator or operator shall ensure that any animal in a Community Day Care Home is kept free of fleas and disease, and has received proper innoculations.

5.11 In accordance with the facility's policy, every child shall be provided with his own bedding, washing materials and grooming materials which shall:

(a) be identified for the use of a particular child;
(b) be maintained in comformance with good sanitary practices.

5.12 A weekly menu of meals and snacks to be prepared and served shall be:

(a) prepared in accordance with Canada's Food Guide;
(b) prepared two (2) weeks in advance;
(c) be prepared with good food handling practices.

5.13 (a) Children, other than infants under one year of age, attending a centre:

(i) three hours or less, shall be served at least one snack,

(ii) more than three hours but for six hours or less, shall be served at least one snack and one meal,

(iii) more than six hours but less than ten hours, shall be served at least two snacks and one meal, and

(iv) ten hours or more, shall be served at least two meals and two snacks.

(b) Notwithstanding subsection (a), the operator may vary the provision of snacks or meals where a child is in attendance in a facility between 8 p.m. and 6 a.m.

(c) All snacks shall be prepared in accordance with Canada's Food Guide and shall be served with undiluted milk or vitaminized juice.

5.14 (a) Feedings for an infant under one year of age shall be provided in accordance with written instructions provided by the parent and shall meet the nutritional needs of the child.

(b) Infants referred to in subsection (a) shall be held during bottle feeding.

5.15 Drinking water shall be freely available to children at all times.

6. SAFETY

6.1 Emergency telephone numbers including those of the fire station, police, physician, health agencies ambulance, nearest poison control centre shall be posted near telephones.

6.2 Open fireplaces or floor heaters are not to be used in any area of the home occupied by children.

6.3 Woodstoves may be used in areas of the home occupied by children under the age of six providing the woodstove is in an enclosure, approved by the fire marshal and that the woodstove is unaccessible to these children.

6.4 The operator shall install a smoke alarm in the kitchen and on each floor level of the Community Day Care Home. The unit must be underwritten laboratory listed and verified monthly.

6.5 The operator shall install a portable fire extinguisher in the kitchen and at least one on each floor where the children have access.

6.6 The smoke alarm and fire extinguisher shall be checked monthly to ensure that it is in proper working order.

6.7 Fire exits, doors, hallways and stairs shall be clear, uncluttered and readily accessible.

6.8 Children shall be made aware of all exits and what to do in case of fire.

6.9 The operator of a Community Day Care Home shall ensure that in any area occupied by children:

(a) receptacles and electrical outlets are not serviced by extension cords unless connectors are covered by plastic and unless the cord is securely attached to the wall

(b) where the children are five (5) years of age or under, special protective receptacle covers are installed in any receptacle or outlet not in use, and

(c) clear glass panels are to be clearly marked to avoid accidental impact.

6.10 One operable flashlight shall be provided for each floor level and easily accessible in the event of a power failure.

7. PROGRAMMING

7.1 Every operator of a Community Day Care Home shall ensure that a daily program plan including daily routine and special activities is shared with the parents of children attending the home.

7.2 The daily program plan should include:

(a) group and individual activities;
(b) activities to promote gross and fine motor, cognitive, language, social and emotional development conducive to the child's total development;
(c) active and quiet play periods;
(d) indoor and outdoor activities;
(e) challenging activities for each age group which stimulates creativity, promotes independence and social responsibility; and,
(f) child-initiated and adult-directed activities.

7.3 Those homes providing services to children with special needs shall be required to make necessary adjustments to their program to meet the specific needs of the child.

8. BEHAVIOUR MANAGEMENT

8.1 Child management practices shall be in accordance with good child behavior management practices.

8.2 The operator of a Community Day Care Home shall ensure that:

(a) corporal punishment, including:

(i) the striking of a child, directly or with any object,
(ii) the shaking, shoving, spanking or any other form of agressive conduct,
(iii) the requiring or forcing a child to repeat physical movements, or

(b) harsh, humiliating, belittling or degrading treatment of any form, including verbal, emotional and physical

(c) omission of meal or snack,

(d) sending a child to bed,

are not to be used by any person as a form of discipline or behaviour, by any person on the premises.

8.3 The administrator and operator of a Community Day Care Home shall use positive techniques of guidance including reflection with the child on the behaviour incident, redirection, anticipation and elimination of potential problems, and positive reinforcement and encouragement rather than competition, comparison or criticism.

8.4 Rules are to be logical, comprehensive and clearly explained to children and parents, and furthermore, administered in a consistent manner by staff.

8.5 In case of repetitive misbehaviour, the staff and operator should review possible causes such as;

(a) program content (is their a good balance of activities)

(b) arrangement of physical environment (lighting, ventilation, arrangement of furniture).

(c) availability of equipment, material, books and toys (Are they adequate and sufficient in number?),

(d) personality conflict (amongst children or between staff and children).

8.6 Reporting Child Abuse and Child Neglect Cases

Every operator of a Community Day Care Home is responsible to report any suspected case of abuse and neglect to the local Social Services Office and maintain record of related incident(s) and dates of referral.

8.7 In those situations, in which the administration has not been advised within a week by a social service employee that the referral has been acted upon, the administrator, shall contact the administrator of the local Social Services office and provide the social service admimistrator with the following information:

- the name of the child
- the reason for the referral
- the date and time the referral was made, and
- if known, the name of the employee who received the original referral.

9. STAFF QUALIFICATIONS

9.1 The operator of a Community Day Care Home shall have the following minimum qualifications:

(a) the ability to understand the needs of children;

(b) a willingness to participate in training programs and workshops recommended by the Minister;

(c) an awareness of community resources;

(d) an ability to maintain a working relationship with community-based professionals and parents of children attending the Community Day Care Home; and,

(e) training acceptable to the Minister in the administration of first aid.

9.2 The operator of a Community Day Care Home shall be in good health and forward an annual medical certificate to the Department's Regional Day Care Services indicating that the operator has no medical conditions that could prevent the operator of assuming the responsibilities of a Community Day Care Home operator.

9.3 The operator of a Community Day Care Home shall ensure that an alternate person is available as a replacement or to replace the operator in the case of an emergency. this person shall be informed of all Day Care standards, criteria and regulations as set out by the Department of Social Services.

PART C — FAMILY DAY CARE HOMES

1. APPLICATION PROCESS

1.1 An operator of a Family Day Care Home who provides day care services to a child in receipt of a day care subsidy from the Department of Social Services is required to complete an application form (# 6) provided by the parent of the child.

The completed form is to be forwarded to the Department's Regional Day Care Services who will review the application. The parent of the child attending the Family Day Care Home shall provide a written statement to the Department's Regional Day Care Services recommending the approval of the operator of the Family Day Care Home. Once an application has been accepted, the operator shall be forwarded a letter and certificate of approval, and the parent and the local Social Services Office shall be advised of the approval.

1.2 The certificate of approval will contain the following information:

(a) date of expiry;

(b) name and address of the operator;

(c) name and birthdate of children attending the Family Day Care Home; and,

(d) any other information the Department may deem necessary.

1.3 Certificate of Approval

The certificate of approval of a Family Day Care Home expires on the date of expiry or upon the departure of the child or children indicated on the Certificate of Approval or when so determined by the Department.

1.4 Appeal Procedure

The operator of a Family Day Care Home and parent of a child attending the home whose approval has been refused may apply to have the decision reviewed by the Minister within sixty (60) days of receipt of written notice.

1.5 Family Day Care Home Name

No family day care home shall adopt the name of an existing child services facility operating with the province.

2. RECORD KEEPING

2.1 The operator of a Family Day Care Home shall maintain records of: names and addresses of children attending the home, the medicare numbers, physician, child's birthdate and the name of parent, address, telephone number of home and place of employment, full names, addresses and telephone numbers of at least two separate persons who have the parent's authorization to remove the child from the Family Day Care Home or who may be contacted in case of emergency when the parent cannot be reached, and children's attendance dates and shall advise the Department't Regional Day Care Services if any changes of subsidized children attending the facility in writing within five (5) days of the change.

The operator shall obtain authorization from the parent for emergency medical treatment and transportation of child where applicable and maintain these for further use.

3. REPORTING CHILD ABUSE AND CHILD NEGLECT CASES

3.1 Every operator of a Family Day Care Home is responsible to report any suspected case of abuse and neglect to the local Social Services Office and maintain record of related incident.

4. OPERATOR'S QUALIFICATIONS

4.1 The operator of a Family Day Care Home shall:

(a) be in good working health;

(b) be recommended to the Department's Regional Day Care Services personnel by the parent as being a person of suitable character who provides an atmosphere that is safe but non-restrictive to the child's development and care.

5. SAFETY

5.1 Open fireplaces or floor heaters are not to be used in any area of the home occupied by children.

5.2 The operator of a Family Day Care Home shall have smoke detectors and a fire extinguisher on every floor level of the facility which will be used by children.

5.3 Children shall be made aware of all exits and what to do in case of fire.